

# Kensington Queensmill

## Absence Policy



**Approved by:** FGB **Date:** January 2023

**Last reviewed on:** 25<sup>th</sup> January 2023

**Next review due by:** February 2024

## 1. Purpose

This policy outlines Kensington Queensmill's procedure for managing sickness absence as well as the circumstances under which consideration will be given to applications for leave of absence for reasons other than illness, injury, or disability. It is intended to ensure equal treatment and consistency to all staff in its application.

## 2. Scope

This policy applies to all employees directly employed by The Queensmill Trust. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgandy Book), and the National Agreement on Pay and Conditions of Service for support staff (the Green Book).

This policy does not apply to staff who are on probation.

## 3. Policy Statement

Kensington Queensmill aims to have a healthy workforce with excellent levels of attendance. This is vital to the success of our pupils. The school takes its responsibilities as an employer seriously and will take all reasonable steps to ensure that the working environment, work demands, and management processes are not detrimental to its employees' health and well-being. Before any action is taken under these procedures, the facts and circumstances of each case will be carefully considered, including any medical advice received and the degree to which the absence is causing operational difficulties for the school. Where all efforts to support improved attendance and/or the recovery and return to work of an employee within a reasonable timescale have failed, and where the procedures set out in the policy have been followed, continued poor attendance is likely to result in dismissal.

## 4. Policy guidelines

The procedures set out in this document provide a fair and consistent framework for handling employee sickness absences.

This policy also outlines the provision for special leave requests and whether it is paid or unpaid.

Applications are subject to the needs of the school and the granting of special leave (paid or unpaid) is not a right and is discretionary. All reasonable requests will be given proper consideration in light of school needs.

## 5. Roles, responsibilities, and procedure

### 5.1 Staff members should

- › Look after their own health and follow good working practices
- › Attend work unless prevented by ill health
- › Report sickness absence promptly and in accordance with the school's procedures
- › Keep in regular contact when absent from work
- › Provide doctor's 'fit notes' promptly for all periods of absence of more than seven days (including non-working days)
- › Make doctors, dentists, and hospital appointments outside of school hours whenever possible.
- › Discuss any application for special leave with their manager and deputies at the earliest opportunity

- › Submit special leave requests to the deputies using the 'Special Leave Application Form' and supporting documentation and information where needed
- › Give as much notice as possible before the start of any leave requested
- › Note that the granting of special leave is not an automatic entitlement

## **5.2 Managers/Deputies should**

- › Monitor workload
- › Promote good health and safety and act promptly to manage risks
- › Effectively communicate with employees
- › Monitor attendance and apply these procedures consistently and fairly
- › Deal with ill health matters confidentially and sensitively
- › Ensure all staff are aware of this policy and their responsibilities including the procedure for reporting sickness absence
- › Consider all requests for special leave, arranging a meeting with the individual to discuss the request if required
- › Grant leave in accordance with the policy
- › Ensure that requests are dealt with sympathetically, compassionately, and confidentially where appropriate and in accordance with this policy
- › Not refuse requests unreasonably
- › Inform the employee of the outcome of their request within five working days. If a request cannot be agreed, clear reasons must be given and any alternative arrangements considered

## **6. Procedure for managing sickness absence**

### **6.1 Responsibilities of staff members**

Staff members must not use sick leave unless they are medically unfit to attend work or remain at work.

Staff members must follow the school's arrangements for reporting sickness, including:

- › All staff members who are unable to report to work should contact the school telephone line on 0203 745 7044 before 7:30am. They should very clearly state their name, class/department, and the reason for absence. They should do this for every day they are absent unless they have approved special leave, medical leave, or have a medical certificate or fit note stating long-term absence.
- › For absences for more than seven days, a doctor's medical certificate, or 'fit to work' note is required. This includes non-working days.
- › For absences less than seven days, the staff member will be required to complete a 'self-certification form' upon return to work. This form should be handed into the deputies' office.
- › Attend a medical examination with the Occupational Health Physician if required
- › Meet with the headteacher, or deputy headteacher, on return from sick leave where there is a concern, to discuss the reasons for absence.

Failure to report sickness absence and follow the school's procedures may result in formal disciplinary action being taken.

### **6.2 Rights of staff members**

- › To have trade union representation at all stages of the absence management procedure
- › To be advised as specific in the procedure of the implications of unsatisfactory attendance and to be given the opportunity to improve through the setting of clearly established timescales
- › To have cases treated in a confidential manner
- › To expect support in the management of ill health as far as practicable

- › For national and local conditions of service to be applied

### 6.3 Responsibilities of the Headteacher

- › To regularly review (or delegate as appropriate) the level of sickness absence of employees in the school and report to Governors as appropriate
- › To meet with staff on return from sick leave where concerns exist in order to discuss the reasons for absence
- › To maintain regular contact with those on long-term sick leave, advising them when it is considered their job cannot be kept open for much longer
- › To give written notice of all review meetings and hearings and to confirm any decisions within 5 working days setting out the reasons for the decision and any targets which have been set
- › To support staff as far as is practicable in improving attendance
- › To deal fairly but firmly with an employee whose level of sickness absence is unsatisfactory

### 6.4 Rights of Headteachers

- › To determine that the level of sickness absence is unsatisfactory and needs to improve and to set targets
- › To refer an employee to the occupational health physician for a medical assessment
- › To initiate procedures for the termination of service where the level of sickness absence is no longer acceptable
- › To institute action under the disciplinary procedure where provisions in relation to sick leave are being abused

### 6.5 Introduction

When an employee is absent from work for a period of time or with any frequency, a balance needs to be maintained between the need for the work to be done and the need for the employee to have time to recover. Consideration should be given to any support that can be given to enable the employee to return to his/her duties. The purpose of the procedure is to set out a framework within which to respond to the issues arising from two different types of sickness absence

- › **Intermittent short-term absence** – This covers short-term absences due to a variety of minor, unlinked medical causes. It also covers absences due to one (or more) underlying medical causes. The approach here is that the individual circumstances of each case will be considered with regard to the setting of targets/monitoring periods. However, the Headteacher is entitled to expect reasonable attendance levels and to consider taking action in cases where the pattern of absence gives rise to concern which would normally be when it reaches 9 days of sickness in a 12-month period.
- › **Continuous long-term absence** – This requires an approach based on regular reviews and updating medical information. An absence that continues beyond three months would normally be the trigger for undertaking a health assessment of the situation including the employee's future capability to undertake their job duties.

### 6.6 Stage One: Intermittent Short-Term Absence

An employee who has a pattern of sickness absence which gives rise to concern or who has had 9 days sickness absence in a 12 month rolling period should have their attendance record reviewed. If the headteacher decides that they have sufficient information and that the absence is not a cause for concern a note will be sent to the employee confirming there is no need for any action at this time. If the headteacher is concerned about the level/reasons for sickness absence a meeting will be arranged with the employee as soon as possible. There is a right of trade union representation at the meeting.

The purpose of the meeting will be for the Headteacher to:

- › Review the sickness record
- › Consider any relevant medical information which is available (and to obtain further medical information if deemed necessary)
- › Identify the impact of the absence on the service and on work colleagues

- › Discuss the reasons for absence and any information the employee has to offer (eg. Personal, domestic, welfare issues, that the absence was connected to an industrial injury).
- › Consider the employee's explanation
- › Consider any support that can be offered

If the headteacher decides that it is not necessary at this time to set targets for improvement, this will be confirmed in writing to the employee within 5 working days. If the headteacher decides the level of sickness absence is unsatisfactory they will write giving reasons and advise the employee of the following:

- › That there is a need to improve
- › That a time scale is identified during which absence levels must reduce
- › The consequences of failure to reduce the level of sickness absence, i.e., that a further monitoring period will be set at Stage 2 of the procedure
- › That there is a right of appeal to the Governing Body

The target of improvement will be set and must occur in the 12-week monitoring period.

There is a right of appeal against the decision to set targets at this stage:

- › Appeals must be lodged with the Governing Body within 10 working days of receipt of the decision
- › The reason for the appeal must be explained in writing and must be related to one of the following grounds:
  - Unreasonable delay in calling the meeting to review the sickness record
  - Unreasonable decision in the light of relevant medical information
  - Unreasonable decision in the light of the personal information provided by the employee

At the end of the timescale for improvement (the 'monitoring period') the Headteacher will review the level of sickness absence. If it is satisfactory to the Headteacher, the employee will be advised in writing accordingly and reminded of the need to sustain the level of improvement. If, during the 12 months following the monitoring period the employee has a further 9 days sickness absence, he/she will be reviewed at stage 2 of this procedure.

### **6.7 Stage Two: Intermittent Short-Term Absence**

This stage is reached in the following circumstances:

- › Sickness absence has exceeded the target set during or at the end of the stage one monitoring period
- Or
- › The initial improvement achieved at the end of the monitoring period has not been sustained over the following 12 months

A further meeting will be arranged by the Headteacher, giving 5 days' notice, to review the sickness record. Rights in relation to trade union representation are as set out in Stage 1.

If the Headteacher considers the level of sickness absence to be unsatisfactory in light of the information available:

- › A further monitoring period will be set (normally 12 weeks)
- › Targets for improved attendance will be set
- › The employee will be warned that failure to reduce the level of sickness absence will result in moving to Stage 3 of this procedure where a decision to dismiss could be made.

There is a right of appeal against the decision to set targets at this stage. Employees must write to the Governing Body within 10 working days giving reasons for their appeal. Trade Union representation is available at the appeal hearing.

If the level of sickness absence is satisfactory at the end of the Stage 2 monitoring period, the employee will be advised in writing accordingly and reminded of the need to sustain the level of improvement

during the 12 months following the monitoring period. If the employee has a further 9 days of sickness absence, he/she will be reviewed at Stage 3 of this procedure.

### **6.8 Stage 3: Intermittent Short-Term Absence**

This state is reached:

- › Where the employee's sickness absence level fails to improve to meet the targets set during the monitoring period, at stage 2
- Or
- › During the 12 months following the monitoring period at stage 2, the employee has a further 9 days of sickness absence

In these circumstances, the employee should be referred to the occupational health physician for a report to be provided to the Headteacher. In light of the medical report, a decision will be made as to how to proceed. The options include:

- › No further action at this time
- › Consideration of any recommendations the occupational health physician may make in relation to redeployment or ill health retirement
- › Extending the timescale for monitoring an improvement in attendance
- › Referral to the Governing Body for consideration as to whether the employee should be dismissed

If the headteacher decides that dismissal should be considered, the case will be referred to the Governing Body.

### **6.9 Continuous Long-Term Absence**

The potential for long-term sickness absence may well be highlighted at Stage 1 when the case is reviewed due to 9 days of continuous sickness absence has occurred. The case of an employee on continuous long-term sickness absence should be regularly reviewed. It is the intention that long-term sickness should be approached in a sensitive yet practical way. At an appropriate stage, but certainly, after three months, the Headteacher shall, in normal circumstances, make an assessment of the position based on the following:

- › The nature of the illness and any medical information available
- › The likely length of the continuing absence
- › Whether the school can continue to cope with the employee's absence and, if so, for how much longer
- › Any other relevant circumstances

In order to come to a reasonable decision on the merits of the case, the Headteacher requires information about the medical prognosis. This will necessitate the employee's case being referred for an assessment by the occupational health physician and may include the employee being seen by the occupational health physician.

On receipt of the medical assessment, the case will be reviewed in the light of the medical information, the ongoing impact on service delivery and other factors as set out above. The employee (and trade union representative) will be invited to meet with the Headteacher to discuss the situation and any options that may be available e.g.:

- › A recommendation from the Occupational Health Physician in relation to redeployment
- › Any adjustments that can be made to job duties/hours/etc., or other support on return to work

It is important at this stage that the employee understands the serious concern which exists about the length of sickness absence and is given reasonable opportunity to tell their Headteacher of any factors or personal circumstances which they would like taken into account in the overall assessment. (Alternatively, the employee can provide written information if they prefer). Any representations submitted from the trade union representative should also be considered.

If the Headteacher decides, in the light of all the information that it is not possible to wait any longer for the employee to return, a letter will be sent advising the employee that termination of service is being

considered. The employee will be advised that further representations by them can be made in person or in writing to a meeting of the Governing Body which will convene to decide if the employee should be dismissed. The procedure for setting up a disciplinary committee hearing will be the same as that described in the model disciplinary code.

## 7. Time off for dependents

Kensington Queensmill School recognises that employees have caring responsibilities and that on occasions priority should be given to the needs of the dependent over the requirement to attend work. However, a balance has to be struck between the needs of the service and the individual needs of the employee.

Employees are expected to plan for particular eventualities e.g. school holidays, child minder holidays etc. and to make alternative arrangements in circumstances where regular arrangements will be interrupted.

The purpose of dependency leave is to provide employees with access to paid leave where emergency or unforeseen situations arise within the employees' domestic circumstances which requires their presence away from work.

It is a requirement that employees seek permission wherever possible before taking leave by submitting an application for dependency leave as soon as a situation arises where such leave is appropriate. This may be by telephone in the first instance but must always be followed up in writing (via the special leave form).

### 7.1 Definition of dependent

Two factors need to be considered: -

- Relationship of dependent to employee must fall into one of the categories set out below:
  - Partner, parent, child
  - Person standing in 'loco parentis' to the employee
  - Brother or sister
  - Grandparent or grandchild
  - Person to whom employee is nominated next of kin
  - Other well established and close relationship should be recognised
- Whether the dependant lives in the employee's household, or separately
  - The dependant lives in the household of the employee and at a time of illness requires domestic support from the employee
  - The dependant lives separately from the employee and their normal care arrangements have broken down and where the employee is clearly the most appropriate person to supply this support.

### 7.2 Reason for dependency leave

- To accompany a young or vulnerable dependant to hospital, clinic, GP surgery or dental surgery. Unless there are exceptional circumstances, a maximum of half day's leave will be granted. The appointment card must be submitted in advance by way of verification where this is required by management.
- To look after a sick dependent where other arrangements cannot be made, or have broken down. For periods of more than 2 days, evidence of illness may be requested by way of verification (e.g. medical certificate/letter from doctor). It is accepted that this may have to be on return to work.
- Where the normal care arrangements of a dependent breakdown for any unforeseen reason which requires the employee to care for the dependant. The employee may be requested to provide evidence to substantiate the reason. It is accepted that this may have to be upon return to work.

### 7.3 Determining requests for dependency leave

In considering requests for dependency leave the following factors will be taken into account:

- › Where the situation is foreseen, or could be anticipated, dependency leave will not be granted. The exception to this is where dependency leave may be granted for pre-arranged appointments where the dependant is young or vulnerable.
- › The maximum entitlement in the first instance is 2 days. After this, alternative arrangements should be possible. There is discretion to extend this entitlement where management accept that no alternative arrangements are possible and the employee still needs to care for the dependant.
- › Where the employee wishes to take further leave, consideration may be given to other leave provisions as appropriate (e.g. unpaid leave, compassionate leave).

Managers will consider the above when considering requests and have the right to refuse such requests for dependency leave, either in whole or in part, giving reasons for doing so.

### 7.4 Management responsibility

Managers will be sympathetic in their response to requests for dependency leave. Consideration will be given to a temporary change in working arrangements where this would be beneficial in easing short term difficulties. The employee will be advised of other sources of support/information which may be of help e.g. welfare advice.

### 7.5 Dependency leave provision

Term time only

- › Maximum entitlement for term time only employees who work 5 days a week is 13 days. The entitlement is calculated pro rata for part time staff who do not work a 5 day week. All requests for dependency leave must be put in writing. It is accepted that this may have to be on return to work.

### 7.6 Appeals

If an employee is refused dependency leave, he/she shall be given the reasons for refusal in writing and may appeal through the grievance procedure against management's decision

## 8. Time off for medical appointments and medical treatment

Where possible, non-emergency appointments should be arranged during non-working hours. If a doctor's/hospital appointment has to take place during working hours, reasonable time off with pay will be authorised for the staff member or their child. However, every effort should be made to arrange appointments at either the beginning or end of the school day to minimise disruption. If a hospital appointment is made during normal working hours, the employee will be asked to provide a copy of the appointment letter/card to confirm the details.

## 9. Special Leave

Any special leave granted is always on the provision that it is subject to the operational needs of the school. Kensington Queensmill School recognises that there may be occasions when employees need to take time off work for reasons that do not necessarily fall under normal leave provisions.

When considering special leave, the following guidelines apply:

- › The granting of special leave is not an automatic entitlement
- › Each case will be considered on an individual bases and in some circumstances the operational needs of the school will be the determining factor when decisions are made
- › It is recognised that there will be occasions when employees require time off either with or without pay
- › Overall attendance records will also be considered

### 8.1 Employees should

- › Discuss any application for special leave with the deputy head at the earliest opportunity



- › Submit special leave request using the 'Special Leave Form' and supporting information where needed
- › Give as much notification as possible for any special leave
- › Note that the granting of special leave is not an automatic entitlement

## **8.2 Managers should**

- › Consider all requests for special leave, arranging a meeting with the individual to discuss the request if required
- › Ensure that all requests are dealt with sympathetically, compassionately, and confidentially where appropriate
- › Not refuse requests unreasonably
- › Inform the employee of the outcome of their request
- › Inform HR of the outcome of the leave request

## **8.3 Bereavement**

The Statutory Paternal Bereavement Pay (General) Regulations 2020 give a statutory right to a minimum of two weeks paid leave to parents who suffer the devastating loss of a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy irrespective of how long they have worked for the school. The school will pay the employee their normal contractual rate of pay and will extend this right to any members of the employee's immediate family or partner's family.

## **8.4 Compassionate leave**

Where additional leave is requested for caring for a child, parent or partner suffering from a serious illness, up to seven days with pay may be authorised.

## **8.3 Emergency household/domestic leave**

Special leave may be requested where circumstances are unforeseen and are unavoidable which require the employee's personal and urgent attention, eg securing their property following a burglary or a boiler breakdown in a household with vulnerable people. Paid leave will be authorised in blocks of an hour and no more than 15 hours' paid leave will be authorised in the leave year.

## **8.2 Leave for employees experiencing domestic abuse**

Paid leave of ten days will be offered to any employee experiencing domestic abuse in addition to other leave provisions. This will assist with having to take time off for any relevant appointments. Further leave of absence will be considered for counselling, recovery or respite from the perpetrator.

## **8.3 Attending a job interview**

Employees will be allowed reasonable paid time off to attend job interviews. If the interview is in the early afternoon, the employee will be required to attend work as normal in the morning where this is reasonably possible. If part of the interview process requires the teacher to visit the school, leave with pay will be granted.

## **8.4 Public duties**

- › Paid leave of absence of 18 days in a school year may be approved to undertake public duties and necessary training, including: as a magistrate, JP, school or college governor, as a member of a local authority, for a statutory tribunal, as a local councillor, as a member of the General Teaching Council for England and Wales, as a member of an exams board or examinations marker, as a member of a board of visitors of the Independent Monitoring Board of prisons, remand centres, or young offenders' institutions
- › Parliamentary candidate – staff standing as a candidate for parliament may request unpaid leave of 12 working days
- › Trade union duties – trade union reps and members will be entitled to paid time off for trade union duties
- › Jury service/attendance at court/employment tribunal – employees called for jury service should inform the deputies and HR as soon as possible in order for cover arrangements to be made in time. Employees will be paid their normal salary during their time in jury service. They are, however, required to claim the maximum loss of earnings allowance from the Jury Central Summoning Bureau and submit the payroll to HR/Payroll. Employees who are required to attend court as a witness will be allowed paid leave of absence.

### **8.5 Accompanying a colleague to a disciplinary or grievance hearing**

Reasonable paid time off will be granted to accompany a fellow employee to their disciplinary or grievance hearing.

### **8.6 Driving Test**

Paid time off for half a day on one occasion will be authorised

### **8.7 Election Duties**

Employees will be authorised one day's leave of absence for taking part in election duties as presiding officers, counting assistants or poll clerks in parliamentary, county or district council elections.

### **8.9 Moving House**

Employees are encouraged to make arrangements for moving house at the weekend or during a school holiday. Where this is not possible, a half-day paid leave of absence will be granted in order to move to a new house.

### **8.10 Volunteer members of the British armed forces**

Employees who are volunteer members of the armed forces will be granted up to two weeks' paid leave of absence in any school year to attend summer camp if it is not possible to arrange this during a normal school holiday

### **8.11 Leave for religious observances/festivals**

If the timing of an employee's religious festival falls during a normal school day, up to two days' leave a year will be granted.

Attending Hajj – The Queensmill Trust recognises that attending Hajj is a once-in-a-lifetime obligation for most Muslims who are financially and physically able. Request for time off can vary between three to five weeks. As a length of absence will require long-term planning, employees should give at least two months' notice where possible. Employees will be authorised four days paid leave and the remaining leave will be unpaid.

### **8.12 Other Special Leave**

Leave with pay or without pay may be granted in some special circumstances, including

- › visit to a solicitor
- › car breakdown
- › travel problems due to snow
- › travel problems due to industrial action
- › school of employee's child is closed, eg due to snow
- › illness of child minder
- › family wedding abroad
- › graduation ceremony of a child or partner
- › to attend a royal garden party
- › to represent a sport at county or national/international level
- › to watch a child participate in a national or international music or sporting event
- › to assist an elderly dependant move residence

## **10. Links with other policies**

This absence policy is linked to the following:

- › Staff handbook
- › Staff wellbeing policy